EXAMPLE ACEP Agricultural Land Easement Plan

Berry General Farm

Located in Farmer County

NEST ID Parcel 12345

Save The Farm Cooperating Entity Agreement 543C123456XYZ

Plan Developed by D. Planner, District Conservationist, Certified Planner

Completed on April 24, 2015

Purpose

The Berry General farm is subject to an agricultural land easement held by the Save The Farm Land Trust (Eligible Entity), recorded in the land records of Farmer County, and funded in part by the Agricultural Conservation Easement Program (ACEP), 16 U.S.C. Section 3865 et seq. and 7 CFR Part 1468. The purpose of the agricultural land easement is to protect the agricultural use, including grazing uses, and related conservation values and related resource concerns. In accordance with ACEP requirements, an agricultural land easement plan (ALE plan) has been developed and referenced documents. This ALE plan incorporates three component plans including a forest plan, a grassland plan, and a conservation plan.

The ALE plan and all attached component plans are intended to be a living document and may be revised or updated as necessary, through mutual agreement by NRCS, the eligible entity, and the landowner to reflect current management. This ALE plan was developed in partnership with the landowner, NRCS, and the easement holders and references the easement on NEST parcel ID #12345.

Landowner Objectives

The property is located in Farmer County and was enrolled in ACEP based on the farm containing prime and unique soils as eligible land types and the significant threat to these soils due to industrial expansion and urban development. Barry and Elizabeth Berry started farming in Farmer County 35 years ago and are the current landowners (grantors). The Berrys have managed a vegetable and row cropping farm for over 20 years. They sell their vegetables and goat meat to a chain of local restaurants that are popular in the State and have been featured in the sales campaigns for restaurants in the area. They have been participants in soil health demonstrations and trials for soil health for NRCS in past years and are passionate about maintaining soil health. The Berrys have started to slow down their involvement in the farming venture and are in the process of phasing the operation over to their children. They have a succession plan to transfer the operation over after the son-in-law retires from the armed forces. The future plans are to continue farming the land and market their products locally.

Description of Resource Being Protected

The county has been slowly urbanizing over the years and contains the highest conversion of prime farmland to nonagricultural land in the state over the past 5 years. The 73-acre agricultural land easement area contains 32.4 acres of highly erodible cropland, 12.4 acres of native grassland, and 17.6 acres of forestland which are the resources being protected and the entire farm is included in the easement area. The homestead area and percentage impervious surfaces are defined in the easement deed.

Baseline Description

The easement area is a 73-acre parcel located in Farmer County, State. The easement area has 40 acres of cropland, 12.4 acres of grassland, 17.6 acres of forestland, 1.25 acres of a barn and vegetable processing complex building envelope, a 0.5-acre house and yard area and a 1.25-acre pond. The entire cropland of 40 acres consists of prime farmland and soils of statewide importance, of which 30 acres are highly erodible cropland (see attached soils map and soils summary for description). The cropland currently consists of 19.5 acres of rotating vegetable crops, 5.5 acres of sweet corn, and 13 acres of field corn. The

20 acres of grassland contains a mix of fescue and clover and is used as pasture for the small herd of 10 goats and 3 sheep. A complete baseline of the parcel is contained in the baseline report associated with the agricultural land easement parcel ID #12345. The easement deed limits the impervious surface on the parcel to less than 2 percent of the easement area, which is 1.46 acres for this easement area.

Management

The easement terms set forth the restrictions on the development of the property for nonagricultural use. The long term goals of the landowner are to continue the management and crop routine that is currently on the farm. The management, required practices, and recommended practices for the component resources are described in the attached component plans. The remaining easement area not described in the component plans consists of the 0.5-acre home area, 1.25-acre pond, and the 1.25-acre barn and vegetable processing areas. The vegetable processing area is managed according to State law, which sets vegetable handling facility requirements and guidelines for on-farm vegetable crop businesses. The barns and home area are maintained by residential mowing and repairing, as needed, by the landowner. Livestock mortalities are addressed by having them hauled off the farm for rendering.

The land types associated with the agricultural land easement require an ALE plan that consists of the following:

- Highly Erodible Land (Conservation Plan) Component
- Forest Management Plan Component
- Grasslands Management Plan Component

Monitoring

Onsite monitoring of the agricultural land easement, and this associated ALE plan, will occur as required in the easement deed and pursuant to the terms of the agreement between the easement holder and NRCS.

Applicable Laws and Regulations

As an on-farm vegetable crop business with a vegetable processing area, the vegetable processing area is State certified and must maintain the certification to be compliant with state laws. The highly erodible cropland must comply with the highly erodible land and wetland conservation provisions in 7 CFR Part 12. The highly erodible cropland must implement and follow the required conservation practices identified in the conservation plan to meet the requirements of 7 CFR Parts 12 and 1468. This ALE plan, including its component plans, will be periodically reviewed with the landowner and updated during ownership changes and significant operation changes. The ALE plan and component plans are living documents and revisions can be made; however, the easement deed governs as the overall management on the easement area.

<u>REQUIRED PRACTICES.</u> The following conservation practices must be applied in order to meet State or Federal legal requirements:

Livestock Mortality Composting/Disposal (317)

Ensure handling of livestock mortalities is done according to State requirements. **The farm is currently in compliance with this requirement as mortalities are removed from the farm by a rendering service**. In the future, if a rendering service is not available or used, have the soils and setbacks evaluated for suitability for future mortality disposal on the farm.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	FS	1	TBD			

See ALE component plans for any additional required practices.

<u>RECOMMENDED PRACTICES.</u> The following are recommended practices based on the current objectives and goals of the landowner for the parcel:

Farmstead Energy Improvement (374)

Development and implementation of improvements to reduce, or improve the energy efficiency of on-farm energy use on three barns. This practice may be applied as part of a conservation management system to reduce energy use.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	2	1.25 acres	TBD	TBD		

Buffer Strip (393)

Provide a 50-foot-wide strip around the pond to reduce suspended solids and associated runoff from cropland fields into the pond.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	2	0.5 acres	TBD	TBD		

See ALE component plans for any additional recommended practices.

(Agricultural Land Easement Plan)

I (we) have reviewed this agricultural land easement plan and agree to the content included therein:

CERTIFICATION OF PARTICIPANTS:

_____ _____ Customer Signature DATE	_____ _____ Customer Signature DATE

I have provided a thorough review of the content of this plan with the NRCS ACEP customer:

CERTIFICATION OF NRCS CERTIFIED CONSERVATION PLANNER:

_____ _____
Conservation Planner DATE

The content of this plan meets the requirements of the ACEP-ALE Program:

CERTIFICATION OF NRCS:	**CERTIFICATION OF ELIGIBLE ENTITY:**
_____ _____ NRCS Certifying Official DATE	_____ _____ Eligible Entity DATE

Conservation Plan Component
ALE Component Plan
For the Berry General Farm Parcel 12345

Highly Erodible Land (HEL) Fields
The following fields have been identified as highly erodible land (HEL):
Crop Fields Tract 1 Field 3 – 17.4 acres
Crop Fields Tract 1 Field 4 – 15 acres

The component plan for this conservation plan meets the requirements of Title 180, National Food Security Manual, conservation compliance. The eligible entity and the landowner must update this conservation plan in the event the agricultural uses of the property change.

<u>REQUIRED PRACTICES.</u> The following conservation practices must be applied immediately, if not already in use to meet HEL soil loss provisions:

Conservation Crop Rotation (328)
A rotation of row crops and grass/legume or small grain will be used to provide adequate amounts of organic material for erosion reduction, nutrient balance, and sustained soil organic matter. This practice must be implemented by the scheduled date. The rotation will be considered implemented when the grass/legume or small grain is planted. The following cultivation practices and crop rotation sequence will be used: Vegetable crop up to 2 years, hay 4 years. Vegetable crops may be planted for a shorter period but may not exceed 2 years if the hay rotation is kept at 4 years. This rotation meets T and provides a positive soil condition index.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	3	17.40 acres	3	2015		
1	4	15.00 acres	3	2015		

Grassed Waterway (412)
A constructed swale will be established to safely carry runoff water through this field without causing further erosion of soil. The waterway will be established when the growing season permits seeding to be established in a timely manner. The properly installed grassed water way will address the ephemeral gully erosion issue that currently exists (approximately 400 feet long). The waterway will be constructed according to NRCS standards and specifications. NRCS can provide technical assistance in the design of the grassed waterway.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	3	0.2 acres	5	2015		

<u>RECOMMENDED CONSERVATION PRACTICES.</u> The following conservation practices are recommended on the HEL land to improve water and soil quality. These practices are not required for HEL conservation compliance.

Nutrient Management

Obtain a new soil test for these fields **if** they will receive mechanically applied manure and **if** they have not had a soil test taken in the past 5 years**. Farm currently updates soil tests every 3 years and works with a crop consultant to update the farm nutrient management plan each crop year.** In the future, if a formal nutrient management plan is no longer being developed, the fields must have soils tests collected at a minimum of once every 5 years. Nutrient application rates shall be based on current soil tests.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	3, 4	40 acres	TBD	TBD	40 acres	TBD

Comprehensive Nutrient Management Plan

Work with NRCS or a consultant to develop a comprehensive nutrient management plan (CNMP). A CNMP consists of a manure and wastewater handling plan (MWWHP), a land treatment plan (LTP), and a nutrient management plan (NMP), **which is already in place.** The MWWHP will address all manure production, handling, runoff, collection, transfer, and storage issues on the farm. The LTP will address all soil erosion and soil quality issues. The NMP will address the nutrient management of the entire farm system including manure, fertilizer, plant nutrient uptake, and inherent soil fertility. NRCS can provide financial assistance for the development of a CNMP.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	FS	1	TBD	TBD		

Additional Information

If the landowner, or a subsequent landowner, decides to change cropping systems or grow annual/commodity crops on fields that have no history of annual crop use, they must contact the local NRCS office and the grantees of the easement to determine if new crop fields will be considered highly erodible land and to determine what proper cropland management practices will be required based on crop field changes. The eligible entity must report any changes on the HEL land in the agricultural operation from the previous year on its annual monitoring report. If a change in operations is reported, the eligible entity may instruct the landowner to schedule an appointment with NRCS to update the conservation plan.

(CONSERVATION PLAN COMPONENT)

I (we) have reviewed this conservation plan and agree to content included therein:

CERTIFICATION OF PARTICIPANTS:

_____ _____ Customer Signature DATE	_____ _____ Customer Signature DATE

I have provided a thorough review of the content of this conservation plan with the NRCS ACEP customer:

CERTIFICATION OF NRCS CONSERVATION PLANNER:

_____ _____
Conservation Planner DATE

The content of this conservation plan meets the requirements of the ACEP-ALE Program:

CERTIFICATION OF NRCS:

_____ _____
NRCS Certifying Official DATE

CERTIFICATION OF ELIGIBLE ENTITY:

_____ _____
Eligible Entity DATE

Grasslands Management Plan Component
ALE Component Plan
For the 12345 Parcel

Grassland Fields
The following fields have been identified as grasslands:
Tract 1 Field 4 – 12.4 acres

The grassland management plan must be associated with the ACEP easement when grasslands are contained on the easement area. The grassland on the parcel consist field 4 on tract 2 contain 12.4 acres of tall fescue and crimson clover mix that is grazed by 10 goats and three sheep. The small grazing operation utilizes a rotational grazing system consisting of four paddocks rotated every 3 days. The approximately 2.5 acre paddocks are separated by electrified fencing.

RECOMMENDED CONSERVATION PRACTICES. The following conservation practices are recommended to improve water, soil quality, and provide long term benefits to the grassland resource.

Forage Harvest Management (511)
Fields will be managed in such a way as to optimize the yield and quality of forage at the desired levels. Forage will be harvested at a frequency and height that optimizes the desired tall fescue and clover stand. Forage will be harvested based on the State university cooperative extensions current publication for management of tall fescue for goat and sheep production heights. Harvests will not occur on fields that are managed using rotational grazing unless excess forage is produced according to university growing guidelines.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	4	12.40 acres				

Prescribed Grazing (528)
Fields will be managed in such a way as to maintain a minimum height on tall fescue pasture of 3 inches throughout the year. Records will be maintained that identify the periods grazed and rested, for the duration of the practice. Total animal unit number will not exceed the 15 animal units by more than 15 percent. Mowing and haying will be deferred from May until September 15 on 50 percent of all the grassland to prevent damage to bird species during the nesting season. The current grazing rotation of four paddocks rotating paddocks every 3 days meets the prescribed grazing standard.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	4	12.4 acres				

Forage and Biomass Planting (512)

Legumes may be frost seeded according the attached NRCS Forage and Biomass Planting (512) Job Sheet. Legumes seeding may occur as needed to reestablish the crimson clover population.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	4	12.4 acres				

Watering Facility (614)
Install a livestock water drinking facility gravity fed from the pond. NRCS is available to provide technical assistance in design if cost-shared by NRCS and will be constructed or placed in this field according to NRCS engineering design and specifications.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	4	1 no	TBD	TBD		

Additional Information
The landowner must report to the eligible entity any changes in the agricultural operation from the previous year. If a change in operations is reported, the eligible entity may instruct the landowner to schedule an appointment with NRCS to have the grasslands management plan updated.

(GRASSLANDS MANAGEMENT PLAN COMPONENT)

I (we) have reviewed this grasslands management plan and agree to content included therein:

CERTIFICATION OF PARTICIPANTS:

_____ _____ Customer Signature DATE	_____ _____ Customer Signature DATE

I have provided a thorough review of the content of this conservation plan with the NRCS ACEP customer:

CERTIFICATION OF NRCS CONSERVATION PLANNER:

_____ _____
Conservation Planner DATE

The content of this conservation plan meets the requirements of the ACEP-ALE Program:

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Forest Management Plan Component
ALE Component Plan
For the 12345 Parcel

Forest Fields
The following fields have identified as forest:
Tract 1 Field 5 – 17.6 acres

A forest management component plan is necessary if the easement areas contains contiguous forest that exceeds the greater of 40 acres or 20 percent of the easement area. The forested area on the easement area consists of 17.6 acres, which is 24 percent of the easement area. The forest management plan is, however, provided as a recommendation to the landowner for the protection of the forest resources available on the easement area.

The forested portion of the easement contains 17.6 acres of forested area that was previously open land and contains moderately dense forest cover with 40-percent crown density. The area was a former railroad bed that has grown into trees. The area has a slight ridge on the south side throughout identifying the former railroad bed. The tree composition is mainly is a mixed hardwood stand that is comprised of white oak, red oak, yellow poplar, red maple, hickory, and sweetgum with a understory of various shrubs with dogwoods being the predominant species. Autumn olive is present in the forest and has been identified by the landowner and a treatment regime of selective cutting to manage the spread.

RECOMMENDED CONSERVATION PRACTICES
The following practices are currently being implemented on the forest land.

Forest Stand Improvement (666)
The forested fields are managed by cutting or deadening selected trees and/or understory vegetation to remove invasive forest species. The landowner currently selectively removes autumn olive that are present in the field when the shrubs reach a height of 3 feet or more.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	5	17.60 acres	TBD			

RECOMMENDED PRACTICES
The following conservation practices are recommended to improve forest quality by providing long-term benefits. These practices are not required for ACEP ALE easements and may be cost-shared using other NRCS programs if available**:**

Forest Trails and Landings (655)
Forest trails will be managed and installed on the fields to provide a fire break and provide areas for vehicular and foot traffic through forested fields. A 10-foot-wide forest trail will be constructed along the perimeter of the forested field to provide a fire break.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	5	0.5 acres				

Structures for Wildlife (649)
Bat boxes will be placed on the field in a number of one structure per 3 acres. Boxes will be placed spread out in the field at a maximum of 300 feet apart. The boxes will be built to the State department of game specifications for woodland bat species. The boxes will provide needed shelter for declining bat species due to white nose syndrome.

Tract	Field	Planned Amount	Scheduled Month	Year	Applied Amount	Date
1	4	5 no				

Additional Information
The eligible entity must report any changes in the forest management from the previous year on its annual monitoring report. If a change in operations is reported, the eligible entity may instruct the landowner to schedule an appointment with NRCS to have the forest management plan updated.

(FOREST MANAGEMENT PLAN COMPONENT)

I (we) have reviewed this forest management plan and agree to content included therein:

CERTIFICATION OF PARTICIPANTS:

_____ _____ Customer Signature DATE	_____ _____ Customer Signature DATE

I have provided a thorough review of the content of this conservation plan with the NRCS ACEP customer:

CERTIFICATION OF NRCS CONSERVATION PLANNER:

_____ _____
Conservation Planner DATE

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Attachments:

1. Plan map (showing required practices)
2. Soils map
3. Soils description (indicating eligible soils)
4. Specific job sheets for any required practices